

Affirmed and Opinion filed August 17, 2000.



In The

Fourteenth Court of Appeals

NO. 14-98-00467-CR

JEANNETTE WHITTINGTON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 263rd District Court
Harris County, Texas
Trial Court Cause No. 741,057**

O P I N I O N

After a jury trial, appellant was convicted of the offense of theft, and sentenced to two years' incarceration and a \$10,000 fine on April 23, 1998.

Appellant was represented by retained counsel, Rayford L. Carter. Because retained counsel could not contact appellant and appellant did not pay for the preparation of the record, appellant's counsel moved to withdraw from representation of appellant. On July 13, 2000, this court ordered the trial court to hold a hearing to determine whether appellant was indigent and entitled to appointed counsel or whether appellant had abandoned her appeal.

On August 10, 2000, the trial court conducted the hearing. Appellant was present at the hearing. The record of the hearing was filed in this court on August 11, 2000.

The trial court granted the motion to withdraw of appellant's counsel and found that appellant voluntarily and intelligently abandoned her appeal.

On the basis of those findings, this court has considered the appeal without briefs. *See* TEX. R. APP. P. 38.8(b).

The case is before us without a reporter's record or bill of exception. We find no fundamental error.

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed August 17, 2000.

Panel consists of Justices Fowler, Edelman, and Hudson.

Do not publish - TEX. R. APP. P. 47.3(b).